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January 10, 2019

Via Email

The Honorable Gerald A. McHugh
United States District Court for the Eastern
District of Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street, Room 9613
Philadelphia, PA 19106

Re: Peruto v. Hoo In Kim, et al., Case No. 18-cv-4468

Dear Judge McHugh,

Undersigned counsel write on behalf of Amazon Alternative LLC, IPC Television, LLC, Roc Nation, LLC, Josh Miller, Eli Holzman, and Patrick Reardon, defendants in the above-referenced case.

Last night, plaintiff A. Charles Peruto, Jr. filed a motion seeking a temporary restraining order, preliminary injunction, and expedited discovery. Dkt. No. 37. That motion asks this Court to impose a prior restraint in violation of the First Amendment. It makes this extraordinary request without raising any emergent issues.

The motion is based on the same replevin theory that is the subject of the pending motion to dismiss. It suggests that plaintiff might “suffer immediate and irreparable harm” because IPC’s website states that the documentary has “a target release date of 2019.” Mot. ¶¶ 9, 10. But, plaintiff’s counsel has never inquired when the documentary is actually going to be released. A release date has not been set, and it will not be released for months. There is no emergency.

Defendants intend to oppose plaintiff’s motion in writing and, in accordance with Local Rule 7.1(c), will file their written opposition within 14 days. In addition, defendants would be happy to attend a conference before their opposition is due if Your Honor believes that would be helpful in facilitating the resolution of this motion.

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Thank you for your consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to be 'MB' with a long horizontal stroke extending to the right.

Michael Berry

*Counsel for Defendants Amazon Alternative LLC
and Josh Miller*

/s/ Derek E. Jokelson

Derek E. Jokelson
Jokelson Law Group, P.C.

*Counsel for Defendants IPC
Television, LLC and Eli Holzman*

/s/ Joshua M. Peles

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cc: James E. Beasley, Jr., Esq. (via Email)
Louis Tumolo, Esq. (via Email)